

REMARKS

This Amendment, submitted in response to the Office Action dated August 10, 2006, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-3 are pending in the present application. Applicant has amended claims 1 and 3 to better conform with USPTO practice and procedure. No new matter has been added.

I. Claim Rejections under 35 U.S.C. § 102

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Alspach ("Illustrator 8 Bible"; hereinafter Alspach).

Alspach discloses drawing a shape, for example, a rectangle shape, by selecting a rectangle tool. After a user has drawn a rectangle as illustrated in Fig. 2-3 and as discussed in the corresponding description, the user can subsequently determine whether the user would like to change the fill color. See page 50, step 1. For example, after a rectangle shape is drawn in a window, a user then selects whether a white fill color should be changed to black.

However, based on the forgoing description, it is apparent that Alspach suffers from the same deficiencies as the prior art which the present invention attempts to cure. In particular, multiple steps are required in order to change the attributes (e.g. color) of a pattern part. On the other hand, an exemplary embodiment of the present invention permits a user to easily select a pattern part and change attributes of the pattern part by merely moving a mouse along a pattern part window and then an attribute palette. Consequently, the steps required to change attributes

of a pattern part are made easier. For at least the above reasons, Alspach does not anticipate the claimed invention as further discussed below.

Claim 1 recites “a pattern part window for displaying a plurality of pattern parts, wherein the pattern parts are candidates to be drawn on the drawing canvas.”

The Examiner asserts that Alspach Fig. 2-3 discloses the claimed pattern part window. Fig. 2-3 of Alspach discloses how to draw a rectangle. A rectangle tool is selected from the toolbox which is illustrated on the left hand side of Fig. 2-3. Therefore, it appears that the Examiner is citing the toolbox for teaching the claimed pattern part window.

Claim 1 further recites “an attribute palette comprising a plurality of attribute display regions for displaying attributes selectively given with respect to the selected pattern part.” The Examiner again cites Fig. 2-3 of Alspach for teaching this aspect of the claim. It appears that the Examiner is again citing the toolbox of Fig. 2-3 for teaching the claimed attribute palette. However, the toolbox has already been cited by the Examiner for teaching the claimed pattern part window which is a distinctly different claim element. The Examiner cannot cite the same aspect of the reference for teaching different aspects of the claimed invention.

Moreover, the displayed attributes of the claimed invention are selectively given with respect to the selected pattern part. On the contrary, in Alspach, it appears that all options for the toolbox are displayed at a given time regardless of whether a user has built a rectangle (which is cited by the Examiner for teaching the claimed selected pattern part). Therefore, assuming *arguendo* the same aspect of a reference could be cited for teaching distinctly different claim elements, Fig. 2-3 does not teach an attribute palette comprising a plurality of attribute display

regions for displaying attributes selectively given with respect to the selected pattern part, as claimed.

Claim 1 further recites “an attribute detection means for detecting in the attribute palette an attribute display region through which the pointing device has passed along a route in which the selected pattern part is dragged and dropped onto the drawing canvas using the pointing device.” The Examiner asserts that a user moving a mouse to select a color or size and dragging and dropping a shape teaches this aspect of the claim.

However, as discussed above, Alspach does not disclose this aspect of the claim. In particular, in Alspach after a rectangle shape is drawn in a window, a user can then separately select desired changes to the rectangle. At no point does Alspach teach or suggest “detecting in the attribute palette an attribute display region through which the pointing device has passed along a route in which the selected pattern part is dragged and dropped onto the drawing canvas using the pointing device. In particular, by the time a user is selecting a fill color for the rectangle shape (pattern part as cited by the Examiner), the pattern part has already been placed into the working window.

Claim 1 further recites “an attribute hold means for holding an attribute that is selectively determined to correspond to the detected attribute display region.” The Examiner asserts that Alspach inherently teaches this aspect of the claim. However, in order to establish inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). In

Alspach, since a color (attribute as cited by the Examiner) is filled in a rectangle shape upon selection of the color, there is no need for an attribute hold means for holding an attribute as claimed.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. To the extent claim 3 recites similar elements, claim 3 should be deemed allowable for at least the same reasons.

II. Claim Rejections under 35 U.S.C. § 103

Claims 2-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Alspach. Claim 2 should be deemed allowable by virtue of its dependency to claim 1 for at least the reasons set forth above with respect to claim 1. To the extent claim 3 recites elements similar to claim 1, it should be deemed allowable for at least the same reasons.

Claim 2 recites “wherein the pattern part window is provided on a perimeter portion of the drawing canvas, and the attribute palette is provided inward of the pattern part window in the drawing canvas.” The Examiner concedes that Alspach does not teach this aspect of the claim, however, the Examiner asserts that Alspach teaches customizing the position of various palettes. Therefore, the Examiner asserts that it would have been obvious to position the palettes as claimed.

However, although Alspach teaches changing the positions of different palettes, for example, bringing one palette to the forefront of a window, see page 39, it would not be obvious that a pattern part window, which is a particular palette, is provided on a perimeter portion of the

drawing canvas, and the attribute palette, which is also a particular palette, is provided inward of the pattern part window.

Further, according to the Examiner's arguments, it would appear impossible to position the palettes as claimed. As discussed above, the Examiner cited the toolbox for teaching both the pattern part window and the attribute palette. Therefore, at no point does Alspach teach "the pattern part window is provided on a perimeter portion of the drawing canvas, and the attribute palette is provided inward of the pattern part window in the drawing canvas," as claimed.

For at least the above reasons, claim 2 should be deemed allowable.

III. New Claims

Applicant has added claims 4-7 to provide a more varied scope of protection. Claims 4-7 should be deemed allowable by virtue of their dependency to claim 1 for at least the reasons set forth above.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/520,790

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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